

## How Do I Start a Case?

*Note: The following only applies to starting a family case. For information, or to obtain the appropriate forms, contact the Family Services Coordinator at (410) 758-1773, extension 5128, or attend the Family Law Clinic, which is offered weekdays.*

### STEP 1. FILE YOUR CASE

- To initiate a proceeding, you must file a written statement—a complaint, motion, or petition (which one depends upon the case type).
- Forms are available online on the Maryland Courts website (<https://www.courts.state.md.us>) and at the office of the Family Services Coordinator.
- Read the forms and accompanying instructions before you start filling out the forms. Follow the instructions and fill each form out completely, making sure all names and addresses are correct and consistent throughout the forms. The Case Caption should also include the name, address, and telephone number of the Plaintiff (you as the person initiating the case) and the Defendant (the person the case is filed against).
- Be sure to complete the **Civil Domestic Case Information Report**. You must also sign the document as the Plaintiff/person filing the case.
- Make a copy for your records, and the original is for the Court's file.
- Bring the ORIGINAL forms to the Clerk's office. The clerk will stamp them as 'filed'.
- Pay the filing fee. The fee for filing a new case is \$165. The Clerk's Office takes cash, check, credit card, or money order. The clerk will give you a receipt with your case number on it.

### STEP 2. SERVE THE OTHER PARTY

Once you file your case with the Court, the filed document, and the **Writ of Summons** ("Summons"), that is a Court-issued form directing the person to respond to the complaint, motion, or petition, and must be delivered ("served") to the opposing party by the Queen Anne's County Sheriff's Office (for Queen Anne's County addresses only), a private process server, a neutral third party, or by certified mail within 60 days. **YOU CANNOT SERVE THE OTHER PARTY YOURSELF.**

#### How to Serve the Other Party

Service can be provided in one of several ways:

- Sheriff
- Private Process
- Certified Mail
- Neutral Third Party - someone other than yourself, who is 18 years of age or older and not a party to the case, provide service

If you choose to have service provided by the Sheriff in Queen Anne's County and/or Sheriff in another County, their office will notify the Court once service is complete by filing the **Sheriff's Return**. If service is made by private process, neutral third party, or certified mail, however, you

must have an **Affidavit of Service** (“Affidavit”), completed by the person serving the opposing party, and then file the affidavit and a copy of the summons, with the Court.

In situations where you have made several attempts to serve the opposing party by using different methods, but have been unsuccessful, you must file a **Request to Reissue Summons**, to issue a new summons if the opposing party has not been served within 60 days. It is also recommended that you attend the Family Law Clinic for further assistance.

IT IS IMPORTANT THAT THE OPPOSING PARTY IS SERVED. IF THEY ARE NOT SERVED, YOUR CASE CAN BE DISMISSED. YOU MUST CHECK THE COURT FILE TO SEE IF SERVICE HAS BEEN COMPLETED. YOU CAN DO THIS AT THE COURTHOUSE OR YOU CAN CHECK ONLINE AT: [www.casearch.courts.state.md.us](http://www.casearch.courts.state.md.us)

### **STEP 3. WAIT FOR THE OTHER PARTY TO FILE AN ANSWER**

The served party must respond to a summons within a certain time, indicating whether they agree with the complaint, motion, or petition, and how they believe issues listed in the filed papers should be handled. If the respondent fails to file the necessary paperwork, **Answer to Motion** (“Answer”) within the time specified on the summons in the Court, the Court assumes that they agree to its terms.

If the opposing party does not file an Answer, for the case to proceed, you must file a **Request for Order of Default** and include a **Certificate of Service**. A copy of both documents must be mailed to the opposing party by regular first-class, postage prepaid.

#### **How to Serve an Answer**

- Fill in the Certificate of Service at the bottom of the Answer.
- File your Answer with the Clerk’s Office.
- Mail a copy of the Answer and copies of any other documents that you are filing to the opposing party.
- An Answer must be filed within a specified time defined as follows:

<b>If a party is served</b>	<b>The party should answer within</b>
In Maryland	30 days after service
In another state	60 days after service
Outside the United States	90 days after service

#### **How to Serve a Counterclaim with your Answer**

If you believe that the other party is at fault, you may file a counterclaim.

- Fill in the Certificate of Service at the bottom of the Counterclaim.

- File the Counterclaim and all the forms attached to the Counterclaim with the Clerk's Office.
- You may serve the Counterclaim and the forms attached to the Counterclaim by mailing copies to the opposing party by regular first-class mail, postage prepaid.

#### **STEP 4. BEFORE COMING TO COURT...**

*A hearing date is automatically scheduled in Queen Anne's County when you file an Affidavit, Sheriff's Return, or when the other party files an Answer.*

If you must miss your court date because of an emergency, call the Clerk's Office at (410) 758-1773, option 4, BEFORE you are scheduled to be in court.

If you must ask for a continuance or postponement of your court date, call the Assignment Office at (410) 758-1773, option 5, and file a **Motion for Continuance/Postponement**, BEFORE you are scheduled to be in court. A copy must be mailed to the opposing party by regular first-class, postage prepaid.

#### **STEP 5. ON THE DAY OF YOUR APPEARANCE...**

**In-Person Court:** Arrive early on your scheduled proceeding date. It is recommended that you be present 20 minutes prior to your scheduled proceeding, to allow time for screening by Sheriff. If you are not present when your case is called, your case could be dismissed, or the court could rule without hearing what you have to say.

- Check the television monitors in the lobby for the location of the courtroom where your case is assigned. If your case is not listed, check with the Assignment Office on the 2<sup>nd</sup> floor, room 212 (next to the Law Library).
- **Do not** bring children to Court on your scheduled proceeding date for any reason.

**Remote Court:** Arrive early on your scheduled proceeding date. It is recommended that you be online 15 minutes prior to your scheduled proceeding, to allow time for any technical issues that may arise.

- **Audio and video are required for remote hearings.** Camera should allow view of you from the shoulders up. Be aware that what is behind you can be seen by others (e.g., messy room, sensitive documents).
- Turn off audible notifications from your devices, including phones, tablets, and computers.
- Ensure you are in a quiet, private place free from distractions, or an isolated location with no background noise during your proceeding.
- Recording remote proceedings, taking screen shots, or otherwise publishing the remote proceeding are strictly prohibited.

Do not appear in Court, **either in-person or remote**, wearing shorts, tank tops, bathing attire, shirts with suggestive slogans, overly revealing clothing or other inappropriate attire. Please ensure that your witnesses follow the same rules.

Cell phones and other electronic devices must remain off and inoperable during Court proceedings, unless necessary to use for remote proceedings or authorized for use by the Court.

Food, drinks and chewing gum are not allowed during Court proceedings.

**FOR ALL DIVORCE CASES** – Depending on the grounds for divorce, parties must identify all witnesses, over the age of eighteen (18) and disclose all information specified in Rule 2-402 (g)(1)(A), **at least five (5) days prior** to the hearing.

If you intend to file documents/exhibits or other evidence, they are to be filed **at least five (5) days prior** to the hearing. Documents may be filed by submitting them in-person to the Clerk's Office or mailing them to the courthouse. The mailing address is 200 North Commerce Street, Centreville, Maryland 21617, ATTN: Clerk's Office.

- Copies are to be provided to the opposing party, parties or attorney at the last known address and include a completed Certificate of Service when you file your documents with the Clerk's Office.